



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

AUG 28 2006

The Honorable Rick Melmer
Secretary of Education
South Dakota Department of Education
700 Governors Drive
Pierre, South Dakota 57501-2291

Dear Secretary Melmer:

I am writing in response to South Dakota's request to amend its State accountability plan under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). Following our discussions with your staff, the changes that are aligned with NCLB are now included in an amended State accountability plan that South Dakota submitted to the Department on August 8, 2006. A summary of the approved amendments is attached to this letter. I am pleased to fully approve South Dakota's amended plan, which we will post on the Department's website.

As you know, if South Dakota makes changes to the accountability plan that has been approved, South Dakota must submit information about those changes to the Department for review and approval, as required by section 1111(f)(2) of Title I. Please know that approval of South Dakota's accountability plan is not an approval of South Dakota's standards and assessment system.

Please also be aware that approval of South Dakota's accountability plan for Title I, including the amendments approved above, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that South Dakota will continue to hold schools and school districts accountable for the achievement of all students. I wish you well in your school improvement efforts. If you need any additional assistance in implementing the standards, assessments and accountability provisions of NCLB, please do not hesitate to contact Abigail Potts (abigail.potts@ed.gov) or Valeria Ford (valeria.ford@ed.gov) of my staff.

Sincerely,



Henry L. Johnson

Enclosure

cc: Governor Mike Rounds

Attachment: Amendments to South Dakota's Accountability Plan

This is a summary of the amendments. For complete details, please refer to South Dakota's accountability plan on the Department's website:
www.ed.gov/admins/lead/account/stateplans03/index.html.

Clarifying workbook language (all Elements)

Revision: South Dakota clarified the language regarding most elements in its approved accountability workbook. These non-substantive changes are intended to provide additional detail regarding the South Dakota assessment and accountability system.

Academic achievement standards (Element 1.3)

Revision: South Dakota added the word "achievement descriptors" to indicate that the Board of Education has approved both standards and descriptors.

Annual report cards (Element 1.5)

Revision: South Dakota clarified the information presented on its NCLB Report Cards by including attendance rates and graduation rates calculated for district grade spans.

Revision: South Dakota clarified that a "Distinguished School" and "Distinguished District" must meet the annual targets for the other academic indicator in addition to meeting proficiency and participation targets in reading and math. South Dakota also revised language regarding districts in corrective action that must implement recommendations "as determined by the" South Dakota Secretary of Education.

Definition of adequate yearly progress (AYP) (Element 3.1)

Revision: South Dakota revised this section to reflect a change in the name of South Dakota's alternate assessment based on alternate achievement standards.

District accountability (Elements 3.2 and 8.1)

Revision: South Dakota clarified that school districts are held accountable for the other academic indicator of attendance rate at the elementary and middle school levels and graduation rate at the high school level. South Dakota clarified that school districts will be held accountable for attendance rates across the K-5 and 6-8-grade spans.

Starting points and Annual Measurable Objectives for AYP (Element 3.2)

Revision: Due to a change in the academic content and achievement standards, as well as the assessments for math, the starting points, intermediate goals and annual measurable objectives for math were revised during the summer of 2006. The revised annual measurable objectives are listed below.

School Year	K-8		9-12	
	Reading	Math	Reading	Math
2002-2003	65%	45%	50%	60%
2003-2004	65%	45%	50%	60%

2004-2005	78%	54%	66%	67%
2005-2006	78%	65%	66%	54%
2006-2007	82%	65%	72%	54%
2007-2008	82%	72%	72%	63%
2008-2009	82%	72%	72%	63%
2009-2010	86%	72%	77%	63%
2010-2011	90%	79%	83%	72%
2011-2012	94%	86%	89%	81%
2012-2013	96%	93%	94%	90%
2013-2014	100%	100%	100%	100%

Inclusion of students with disabilities (Element 5.3)

Revision: South Dakota will use the “proxy method” (Option 1 in our guidance dated December 14, 2005) to take advantage of the Secretary’s flexibility regarding calculating AYP for the students with disabilities subgroup. South Dakota will calculate a proxy to determine the percentage of students with disabilities that is equivalent to 2.0 percent of all students assessed. For this year only, this proxy will then be added to the percent of students with disabilities who are proficient. For any school or district that did not make AYP solely due to its students with disabilities subgroup, South Dakota will use this adjusted percent proficient to reexamine if the school or district made AYP for the 2005-06 school year.

Inclusion of students with disabilities (Element 5.3)

Revision: South Dakota proposes to eliminate the references to its previously approved state-level exception to the 1.0 percent cap on proficient scores from the alternate assessment based on alternate achievement standards.

Inclusion of English language learners (Element 5.4)

Revision: South Dakota revised the language to reflect the current name of its English language proficiency test and to further clarify inclusion policies based on suggestions from local education stakeholders.

Graduation rate (Element 7.1)

Revision: South Dakota has accumulated the 4 years of data necessary to implement a cohort graduation rate for schools and districts across the 9-12 grade span. South Dakota will count students who did not graduate with a regular diploma in the denominator.

Validity of AYP determinations (Element 9.2)

Revision: South Dakota clarified its timeline for the appeals process by redefining business and calendar days.